

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Case No.: 2:17-cv-00220-JAD-VCF

4 State of Nevada,

5 Plaintiff

6 v.

7 Robert Ambrose Edwards,

8 Defendant

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**Order Dismissing Action  
for Want of Prosecution**

10 On February 15, 2018, the Court notified Robert Ambrose Edwards that his case would  
11 be dismissed if he did not pay the \$400.00 filing fee or submit a fully completed application to  
12 proceed in forma pauperis by February 28, 2018.<sup>1</sup> Since then, no action has been taken.

13 District courts have the inherent power to control their dockets and “[i]n the exercise of  
14 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>2</sup> A  
15 court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a  
16 court order, or failure to comply with local rules.<sup>3</sup> In determining whether to dismiss an action  
17 on one of these grounds, the court must consider: (1) the public’s interest in expeditious  
18 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the  
19  
20

21  
22 <sup>1</sup> ECF No. 2 (Order).

23 <sup>2</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).


24 <sup>3</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with  
25 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to  
26 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–  
27 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to  
28 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.  
1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,  
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the  
2 availability of less drastic alternatives.<sup>4</sup>

3 The first two factors, the public's interest in expeditiously resolving this litigation and the  
4 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of  
5 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises  
6 from the occurrence of unreasonable delay in filing a pleading ordered by the court or  
7 prosecuting an action.<sup>5</sup> A court's warning to a party that its failure to obey the court's order will  
8 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement.<sup>6</sup> And  
9 that warning was given here.<sup>7</sup> The fourth factor—the public policy favoring disposition of cases  
10 on their merits—is greatly outweighed by the factors favoring dismissal.

11 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without  
12 prejudice for want of prosecution. The Clerk of Court is directed to CLOSE THIS CASE.

13 Dated: September 25, 2019

14   
15 U.S. District Judge Jennifer A. Dorsey  
16  
17  
18  
19  
20  
21  
22

---

23 <sup>4</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;  
24 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

25 <sup>5</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

26 <sup>6</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

27 <sup>7</sup> ECF No. 2.  
28